

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE, September 15, 2021 at 6:00 pm
HELD AT THE TOWN HALL

<u>Present:</u>	Matthew McAndrew	Supervisor
	Greg Fitzpatrick	Councilman
	Ken Hinman	Councilman
	John Zerfas	Councilman
	Kathleen Moriarty	Attorney for Town
	Robyn George	Town Clerk
	Gary Palumbo	Town Planner
	Steve Crowley	Town Councilman
	Ben Slotman	Town Engineer
	Tom Scharf	Highway Superintendant

Others present: Vicky and Scott Conner, Sharon Mathe, Kathy Kellogg, press

Call meeting to order:

Supervisor McAndrew called the meeting to order at 6:00pm and led the Pledge to the Flag.

Privilege of the Floor

- Vicky Conner – Divide NY

Vicky Conner presented a proposal that would divide NYS into 3 regions, upstate, NYC area and Long Island, all of which would be autonomous. She explained that the needs of the rural and upstate community are very different than the needs of urban downstate. She also contends that NYC is crushing the upstate economy and taxes and the deficit are too high. She is asking the Town to adopt a “home rule” resolution supporting the bills A04446 and S4541.

Sharon Mathe questioned the viability of the proposal. She said that the majority of tax revenue comes from downstate. She asked how rural areas are supposed to fund infrastructure. She also worried about continuity and non-profit funding.

The Board thanked the Conners for their presentation but were unwilling to adopt the resolution. They suggested the proponents of the plan come up with concrete numbers to support their contention that taxes wouldn't be raised and the area would be able to support itself without state funding formulas now in place

Approve Minutes

- Town Board Meeting – August 18, 2021

On motion by Mr. Fitzpatrick and second by Mr. Zervas the minutes of the August 18, 2021 Board meeting were:

Accepted Ayes 5 - McAndrew, Hinman, Zervas, Crowley & Fitzpatrick
 Nays 0

Audit of Claims

- Pay Town bills on Distribution Report #09-2021

On motion by Mr. Hinman and second by Mr. Crowley the following resolution was

Accepted Ayes 5 - McAndrew, Hinman, Zervas, Crowley & Fitzpatrick
 Nays 0

Resolved that the Town bills be paid on General Ledger Distribution Report 08-21 as follows:

001 - General Fund A:	\$ 29,777.25		
002 - General Fund B:	\$ 1,106.04		
		General Fund Total:	\$ 30,883.29
004 - Highway DB	\$ 71,406.90		
		Highway Fund Total:	\$ 71,406.90
006 - Water	\$ 19,292.66		
		<u>006 - Water Fund Total</u>	<u>\$ 19,292.66</u>
		Grand Total:	\$121,582.85

Supervisor’s Reports

- Accept Supervisor’s August 2021 Financial Report

On motion by Mr. Zervas and second by Mr. Fitzpatrick the Supervisor's August 2021 Financial Report was

Accepted Ayes 5 - McAndrew, Zervas, Hinman, Crowley & Fitzpatrick
 Nays 0

- Attorney Retainer Agreement

On motion by Mr. Hinman and second by Mr. Fitzpatrick the following resolution was

Accepted Ayes 5 - McAndrew, Hinman, Zervas, Crowley & Fitzpatrick
Nays 0

Resolved that the Town retain the services of Attorneys at Law, Richardson, Pullen & Buck, P.C. and authorized the Town Supervisor to sign the agreement.

- Annual Update Document

Tronconi, Segarra & Associates provided copies of the Annual Update Documents for review.

On motion by Mr. Crowley and second by Mr. Zervas the following resolution was

Accepted Ayes 5 - McAndrew, Hinman, Zervas, Crowley & Fitzpatrick
Nays 0

Resolved that the Board approve the Annual Update Documents provided by Tronconi, Segarra & Associates.

- Supervisor's Meeting

Supervisor McAndrew said that budgets, solar farms, cannabis legislation and the American Rescue Plan Act funding were discussed. The Towns are looking for direction from the Association of Towns as to how they will be able to spend those funds.

- Set Budget Workshop Meetings

On motion by Mr. Crowley and second by Mr. Zervas the following resolution was

Accepted Ayes 5 - McAndrew, Hinman, Zervas, Crowley & Fitzpatrick
Nays 0

Resolved that the Town Board hold budget workshop meetings on Wednesday, September 22nd and Wednesday, September 29th at 4:00pm at the Town Hall.

Present Written Department Reports for Approval

- Clerk's, Police, Building Inspector's, Justices and Planner's Reports

On **motion** by Mr. Crowley and second by Mr. Hinman the Clerk's, Police, Building Inspector's, Justices and Planners reports were:

Accepted Ayes 5 - McAndrew, Zerfas, Hinman, Crowley & Fitzpatrick
 Nays 0

Department Heads

- **OIC Auge - Police Department – not present**

There was discussion about how the Police Department handles noise complaints. The Board will review the noise ordinance and discuss police policy with OIC Auge at the next month's meeting.

- **Gary Palumbo – Town Planner**

Mr. Palumbo reviewed his report:

The Elk Creek Subdivision Phase B has been signed, Plat filed, and the PIP submitted.

The applicant for the Tiny Home Village has indicated that the project is scheduled for Spring of 2022.

Mr. Palumbo is looking into combining the Town and Village website with the engineering website. He is also exploring virtual options to make meetings accessible to the attorney and the public.

- **Ben Slotman – Engineering Department**

The new LED lights are being installed on streetlights. A property owner on Donlen Dr. says the one by his house is way too bright and is hoping that something can be done to keep it from shining directly in his windows. Mr. Slotman will reach out to National Grid to see if they can do anything.

He then reviewed his monthly report:

He is working on compiling a group of people to be the Stakeholder Group for the DWSP2 program.

He asked the board whether they would be extending the contract for the mowing of the Arboretum or putting it out to bid. They will put it out to bid.

Water Project Plan Review – NYS DOH has provided comments on Contract 1- Water Line Replacement. CPL is responding to comments to DOH.

Next Four Flusher meeting is scheduled for September 22 at 3:00pm.

Valley Village – Contractor is mobilizing and planning to begin work on the drainage. Attorney Moriarty is working on the best way for Valley Village to take title to the road.

- **Tom Scharf – Highway Superintendent**

The department has been mitigating storm damage and patching roads.

Mr. Scharf was asked if the Town could put a bridge across the ditch that is part of a trail on Poverty Hill. He thought putting in a short section of culvert made more sense. The Board agreed.

Maintenance at the Highway garage was discussed.

New Business

- Town Clerk Audit

Councilman Fitzpatrick conducted an audit of the 2019 and 2020 Town Clerk's account. He found everything to be in order, with good documentation.

On motion by Mr. Crowley and second by Mr. Zervas the following resolution was

Accepted Ayes 5 - McAndrew, Zervas, Hinman, Crowley & Fitzpatrick
 Nays 0

Resolved that the board accept the audit of the 2019 and 2020 Town Clerk's account.

- Speed Reduction Request

The residents of 6717 Route 219N have asked the Town to request a reduction to the speed limit in that area from the NYS DOT. They voiced several safety concerns. The Board agreed that they had valid concerns. They asked the Town Engineer to determine the portion of the road to request the reduction and for him to draw up a resolution for the next meeting asking the State to reduce the speed limit on that portion of Rte. 219.

- SPCA Contract

On motion by Mr. Zervas and second by Mr. Hinman the following resolution was

Accepted Ayes 5 - McAndrew, Zervas, Hinman, Crowley & Fitzpatrick
 Nays 0

Resolved that the Town sign an agreement with the SPCA in Cattaraugus County for the sheltering of dogs as needed by the Town. The Town can rescind the agreement at any time with 30 day notice.

- Joint Fire Commission Appointment

Michael Timkey, First Chair of the Ellicottville Joint Fire Commissioners asked the Board if they would appoint Village resident, Mark Marino, to their Board. The Board is not familiar with Mr. Marino and would like more information before they appoint him.

On motion by Mr. Zerfas and second by Mr. Hinman the following resolution was

Accepted Ayes 5 - McAndrew, Zerfas, Hinman, Crowley & Fitzpatrick
 Nays 0

Resolved to table the request of the Fire Commissioners to appoint Mark Marino to the Fire Commission Board until further information is provided.

- Town Hall Sign Restoration

The Board decided to wait until next year when the windows and doors are replaced on the Town Hall to do anything about the sign. A new historical looking sign will replace the old one.

Old Business

- Asbestos Removal

A meeting was held to discuss the removal of asbestos at the Town Center. Contracts and prevailing wage were discussed.

- DRI Grant

The application has been sent. They are granting two \$10 million grants.

- Quackenbush Update

Attorney Moriarty has talked to the new property owner on Quackenbush Road. A meeting is planned in October.

- EVGV Trail

The Trail Committee received the \$50,000. An alignment survey is being done. They will hold a Chicken BBQ benefit on October 23rd.

Adjournment

Motion by Mr. Crowley, seconded by Mr. Hinman to adjourn the meeting at 7:55pm and enter into Attorney/Client Privilege. All Ayes. Carried.

I, Robyn A. George, Clerk of the Town of Ellicottville, County of Cattaraugus, State of NY, do hereby certify that the foregoing constitutes the complete minutes of the Town Board Meeting held on the 15th day of September, 2021, approved by said Board on the 20th day of October, 2021.

Robyn A. George, Town Clerk